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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,527	10/16/2003	William J. Caldwell	03118	5225
20879	7590	08/11/2004	EXAMINER	
EMCH, SCHAFER, SCHAUB & PORCELLO CO P O BOX 916 ONE SEAGATE SUITE 1980 TOLEDO, OH 43697			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,527	CALDWELL ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

The disclosure is objected to because of the following informalities: The term "means" should not be used in the Abstract.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description must provide support for the rack and pinion mechanism as claimed in claim 5.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rack and pinion mechanism of claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 10 and 11 are objected to because of the following informalities: In claim 10, line 2, there is no antecedent basis for "the trailer" (the trailer is claimed in claim 9). In claim 11, line 1, "locking" should be deleted. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Leto (767).

Leto teaches a security locking system including a locking bar 10 slidably guided in guides 26 on the interior side of a trailer door, a lock housing 34 positioned adjacent the door 22 for receiving the end of the locking bar 18, an aperture (unlabeled, but illustrated at the left side of the bar in fig. 2) in the end of the bar 18 which receives a securing means pin 40 (see figure 2) of a lock 36. As seen in fig. 1, the lock housing 34 is positioned adjacent the floor of the trailer.

Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jurek (570).

Jurek teaches a locking bar 56 slidably guided in guides 26 on the interior side of a door 18, a lock housing 58, 68 positioned adjacent the door, a securing means 70, 74 to retain the end of the bar in the housing, also including an aperture 100 in the bar which is received in the housing, and is capable of receiving a pin 102, 104, wherein the bar is retained in the housing as seen in fig. 3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leto in view of either Barnes or Counts et al.

Barnes teaches that it is well known to utilize a solenoid 20, 21 to lock a bar 8 of a trailer, as does Counts et al in figure 2 teach a solenoid 44 to lock a bar 22, 40 of a trailer door. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a solenoid driver for the lock 36 of the pin 40 of Leto, in view of the teaching of either Barnes or Counts et al, the motivation being to allow the lock (solenoid) to be actuated from a remote location, such as with a transmitter, for convenience purposes, as is well known in the art.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letzel in view of Modina.

Letzel teaches a locking bar 5 slidably mounted in a guide 6 on the interior side of a door, the bar 5 including a rack and pinion 8, 9 actuator, and a securing means 16, 17

including a solenoid to be locked in a notch in the end of the bar 5 as seen in fig. 2. Modina teaches a lock housing (at 31 in fig. 3) to receive the end of the bar 5 and for being locked by a solenoid 23, 47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end of the bar 5 as seen in fig. 2 of Letzel such that it is received in a lock housing and locked by the solenoid, in view of the teaching of Modina, the motivation being to guide the bar into its locked location in a door frame.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letzel in view of Modina as applied to claim 1 above, and further in view of an additional teaching of Modina.

Modina also teaches a toggle mechanism 17 in fig. 1 to actuate a locking bar 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a toggle actuator for the rack and pinion actuator of Letzel, in view of the teaching of Modina, since either well known type of actuator would function just as well in advancing the bar between its positions.

Claims 6, 7, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letzel in view of Modina as applied to claim 1 above, and further in view of Blum.

Blum teaches an aperture (the "opening" of column 4, line 4) in a locking bar 70 as seen in fig. 4 to receive a lock pin (the shackle 76 of the padlock). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an aperture for the notch in the bar 5 of Letzel which receives the solenoid

pin, in view of the teaching of Blum, the motivation being to provide a secure locking engagement between the lock pin and the bar.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letzel in view of Modina and Blum as applied to claim 7 above, and further in view of an additional teaching of Modina.

As seen in fig. 4, Modina also teaches a lock 49, 51 for a solenoid pin 23, which pin 23 engages the locking bar 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lock for the solenoid pin 16 (as seen in fig. 2 of Letzel) of Letzel, in view of the teaching of Modina, the motivation being to prevent the unauthorized retraction of the solenoid pin of Letzel, such as by tampering attempts, to optimize the security of the locking assembly.

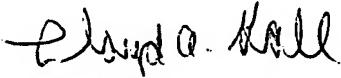
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
August 6, 2004

  
Lloyd A. Gu  
Primary Examiner